

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1447

Introduced by Assembly Member Alejo

February 27, 2015

An act to ~~amend Section 14549 of, and to add Section 14548 to, add Chapter 5.9 (commencing with Section 42360) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as amended, Alejo. Solid waste: food and beverage packaging.

~~(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires each glass container manufacturer in the state to use a minimum percentage of 35% of postfilled glass, except as specified, in the manufacturing of glass food, drink, or beverage containers. A violation of the act is a crime, except as specified.~~

~~The bill would clarify that for purposes of the minimum postfilled glass requirement, a glass container manufacturer in the state includes a glass container manufacturer who imports glass containers from outside of the state for filling.~~

~~(2)~~

~~(1) Existing law requires all rigid plastic bottles and rigid plastic containers, including bottles and containers composed of polyethylene terephthalate (PET), sold in California to be labeled with a code which~~

indicates the resin used to produce the rigid plastic bottle or rigid plastic container.

~~This bill would require under the California Beverage Container Recycling and Litter Reduction Act, on and after January 1, 2017, and annually thereafter, a manufacturer of PET plastic packaging primarily composed of polyethylene terephthalate and used to contain food or beverages to report to the department, in a manner determined by the department, certain information, including the total amount of tons of new PET plastic packaging made for sale by that manufacturer. The~~

~~This bill would require, on and after commencing July 1, 2016, every manufacturer of PET plastic packaging for sale manufactured in the state to include be manufactured with, and empty PET plastic packaging imported into the state to be filled with food or drink in the state for sale in the state to contain, a minimum of 10% of postfilled PET plastic in its PET plastic packaging; plastic, as measured by weight. The bill would require, commencing January 1, 2017, and annually thereafter, every such manufacturer or importer of PET plastic packaging to demonstrate compliance with that requirement by certifying to the Department of Resources Recycling and Recovery certain information. The bill would provide that a person who violates these provisions is guilty of an infraction and may be assessed civil penalties. By~~

~~(3) By expanding the scope of the California Beverage Container Recycling and Litter Reduction Act, a violation of which is a creating a new crime, the bill would impose a state-mandated local program.~~

~~(4)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 14548 is added to the Public Resources~~
- 2 ~~Code, to read:~~
- 3 ~~14548. (a) For purposes of this section, "PET plastic~~
- 4 ~~packaging" means beverage containers or food or drink packaging~~

1 material consisting primarily of polyethylene terephthalate (PET)
2 and used to contain food or beverages.

3 ~~(b) On and after January 1, 2017, and annually thereafter, every~~
4 ~~manufacturer of PET plastic packaging for sale in the state shall~~
5 ~~report to the department, in a manner determined by the~~
6 ~~department, both of the following:~~

7 ~~(1) The total amount of tons of new PET plastic packaging made~~
8 ~~for sale by that manufacturer.~~

9 ~~(2) The total amount of postfilled PET plastic used in the~~
10 ~~manufacturing of that packaging.~~

11 ~~(c) On and after July 1, 2016, each manufacturer of PET plastic~~
12 ~~packaging for sale in the state shall include a minimum of 10~~
13 ~~percent of postfilled PET plastic in the PET plastic packaging that~~
14 ~~it manufactures, measured in the aggregate, on an annual basis.~~

15 ~~SEC. 2. Section 14549 of the Public Resources Code is~~
16 ~~amended to read:~~

17 ~~14549. (a) Every glass container manufacturer shall report to~~
18 ~~the department each month, by a method as determined by the~~
19 ~~department, the amount of total tons of new glass food, drink, and~~
20 ~~beverage containers made in California by that glass container~~
21 ~~manufacturer and the tons of California postfilled glass used in~~
22 ~~the manufacturing of those new containers.~~

23 ~~(b) Each glass container manufacturer in the state, including a~~
24 ~~glass container manufacturer who imports glass containers from~~
25 ~~outside of the state for filling, shall use a minimum percentage of~~
26 ~~35 percent of postfilled glass in the manufacturing of its glass food,~~
27 ~~drink, or beverage containers measured in the aggregate, on an~~
28 ~~annual basis, except that if a glass container manufacturer~~
29 ~~demonstrates to the satisfaction of the department that its use of~~
30 ~~postfilled glass during the annual period is made up of at least 50~~
31 ~~percent mixed-color cullet, then that manufacturer shall use a~~
32 ~~minimum percentage of 25 percent postfilled glass in the~~
33 ~~manufacturing of its glass food, drink, or beverage containers,~~
34 ~~measured in the aggregate, on an annual basis.~~

35 ~~(c) A glass container manufacturer may seek a reduction or~~
36 ~~waiver of the minimum postfilled glass percentage required to be~~
37 ~~used in the manufacture of glass food, drink, or beverage containers~~
38 ~~pursuant to subdivision (b). The department may grant a reduction~~
39 ~~or waiver of the percentage requirement if it finds and determines~~
40 ~~that it is technologically infeasible for the glass container~~

1 manufacturer to achieve the percentage requirement or if the
2 department determines that a glass container manufacturer cannot
3 achieve the minimum percentage because of a lack of available
4 glass cullet.

5 (d) For the purposes of this section, “mixed-color cullet” means
6 cullet that does not meet the American Society for Testing and
7 Materials (ASTM) standard specifications for color mix of color
8 sorted postfilled glass as raw material for the manufacture of glass
9 containers.

10 *SECTION 1. Chapter 5.9 (commencing with Section 42360)*
11 *is added to Part 3 of Division 30 of the Public Resources Code,*
12 *to read:*

13
14 *CHAPTER 5.9. PET PLASTIC PACKAGING RECYCLED CONTENT*
15 *PROGRAM*

16
17 *42360. For purposes of this chapter, the following terms have*
18 *the following meanings:*

19 (a) “Filled with food or drink” means caused to contain food
20 or drink that is poured, placed, packed, or otherwise intentionally
21 introduced into the applicable packaging.

22 (b) “PET plastic packaging” means beverage containers or
23 food or drink packaging material consisting primarily of
24 polyethylene terephthalate (PET) and used to contain food or
25 beverages.

26 *42361. (a) Commencing January 1, 2017, and annually*
27 *thereafter, a manufacturer of PET plastic packaging that is*
28 *manufactured in the state shall demonstrate compliance with the*
29 *requirements of Section 42362 by certifying to the department, in*
30 *a form and manner determined by the department, both of the*
31 *following:*

32 (1) *The total number of tons of new PET plastic packaging*
33 *manufactured by that manufacturer in the previous year.*

34 (2) *The total number of tons of postfilled PET plastic the*
35 *manufacturer used in the manufacturing of new PET plastic*
36 *packaging during the previous year.*

37 (b) *Commencing January 1, 2017, and annually thereafter, an*
38 *importer of empty PET plastic packaging that is filled with food*
39 *or drink in the state to be sold in the state shall demonstrate*
40 *compliance with the requirements of Section 42362 by certifying*

1 *to the department, either directly or by an independent third-party*
2 *certifier, in a form and manner determined by the department,*
3 *both of the following:*

4 *(1) The total number of tons of new PET plastic packaging used*
5 *in the manufacturing of empty PET plastic packaging imported*
6 *into the state by the importer during the previous year to be filled*
7 *with food or drink in the state for sale in the state.*

8 *(2) The total number of tons of postfilled PET plastic used in*
9 *the manufacturing of empty PET plastic packaging imported into*
10 *the state by the importer during the previous year to be filled with*
11 *food or drink in the state for sale in the state.*

12 *42362. (a) Commencing July 1, 2016, PET plastic packaging*
13 *manufactured in the state shall be manufactured with a minimum*
14 *of 10 percent of postfilled PET plastic, as measured by weight and*
15 *in the aggregate, on an annual basis.*

16 *(b) Commencing July 1, 2016, empty PET plastic packaging*
17 *imported into the state to be filled with food or drink in the state*
18 *for sale in the state shall contain a minimum of 10 percent of*
19 *postfilled PET plastic, as measured by weight and in the aggregate,*
20 *on an annual basis.*

21 *42363. (a) A PET plastic packaging manufacturer or importer*
22 *who is required to submit a certification pursuant to Section 42361*
23 *may be subject to an audit by the department to ensure that the*
24 *certified percentage of postfilled PET plastic was used.*

25 *(b) If a PET plastic packaging manufacturer or importer*
26 *provides the department with a false or misleading report*
27 *concerning the percentage of postfilled PET plastic used, the*
28 *department, within 30 days of making this determination, shall*
29 *refer the false or misleading report to the Attorney General for*
30 *prosecution for fraud.*

31 *(c) A person who violates this chapter is guilty of an infraction*
32 *punishable by a fine of not more than one thousand dollars*
33 *(\$1,000).*

34 *(d) In addition to being guilty of an infraction pursuant to*
35 *subdivision (c), a person who violates this chapter may be assessed*
36 *a civil penalty by the department of not more than one thousand*
37 *dollars (\$1,000) for each violation, pursuant to a notice and a*
38 *hearing conducted in accordance with Chapter 5 (commencing*
39 *with Section 11500) of Part 1 of Division 3 of Title 2 of the*
40 *Government Code.*

1 (e) A civil penalty or fine received pursuant to this section shall
2 be deposited in the Integrated Waste Management Account, and
3 the funds in that account may be expended by the department for
4 the administration of this chapter.

5 ~~SEC. 3.~~

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.